

# CONNELL FOLEY LLP

## ATTORNEYS AT LAW

85 LIVINGSTON AVENUE  
ROSELAND, NJ 07068  
(973) 535-0500  
FAX: (973) 535-9217

### OTHER OFFICES

HARBORSIDE FINANCIAL CENTER  
2510 PLAZA FIVE  
JERSEY CITY, NJ 07311  
(201) 521-1000  
FAX: (201) 521-0100

888 SEVENTH AVENUE  
9TH FLOOR  
NEW YORK, NY 10106  
(212) 307-3700  
FAX: (212) 262-0050

1500 MARKET STREET  
12TH FLOOR  
EAST TOWER  
PHILADELPHIA, PA 19101  
(215) 246-3403  
FAX: (215) 665-5727

LIBERTY VIEW BUILDING  
457 HADDONFIELD ROAD  
SUITE 230  
CHERRY HILL, NJ 08002  
(856) 317-7100  
FAX: (856) 317-7117

THE ATRIUM, SUITE E  
309 MORRIS AVENUE  
SPRING LAKE, NJ 07762  
(732) 449-1440  
FAX: (732) 449-0934

### COUNSEL

JOHN W. BISSELL  
EUGENE J. CODEY, JR.  
FRANCIS J. ORLANDO  
FRANCIS E. SCHILLER\*  
EUGENE P. SQUEO\*  
BRIAN P. MORRISSEY\*  
NOEL D. HUMPHREYS\*  
ANTHONY ROMANO II\*

DOUGLAS J. SHORT\*  
MICHELE T. TANTALLA\*  
HECTOR D. RUIZ\*  
PHILIP W. ALLOGRAMENTO III\*  
OLIVIA F. CLEAVER+  
STEPHEN D. KESSLER  
CHRISTOPHER ABATEMARCO\*  
ANTHONY J. CORINO\*  
INGRID E. DA COSTA  
MEGHAN BARRETT BURKE\*  
LEO J. HURLEY\*  
RUKHSANAH L. SINGH\*  
BRITTANY E. MIANO\*  
STACIE L. POWERS\*  
NICOLE B. DORY\*  
MICHAEL BOJBASA-  
CHRISTOPHER M. HEMRICK\*  
SUSAN KWIATKOWSKI\*  
MELISSA D. LOPEZ  
ANDREW L. BARON\*  
JASON D. FALK\*  
MEGHAN K. MUSSO\*  
BRENDAN W. CARROLL\*  
ELEONORE OFOSU-ANTWI\*

KARIN I. SPALDING\*  
JODI ANNE HUDSON\*  
RICHARD A. JAGEN  
JASON E. MARX\*  
ALEXIS E. LAZZARA  
GAIL GOLDFARB\*  
THOMAS VECCHIO+  
DANIEL B. KESSLER\*  
ROBERT A. VERDIBELLO\*

EDMUND J. CAULFIELD\*  
SYDNEY J. DARLING\*  
NEIL V. SHAH\*  
STEPHEN R. TURANO\*  
STEVEN A. KROLL\*  
ROBERT M. DiPISA\*  
MATTHEW A. BAKER+  
MICHAEL J. CREEGAN\*  
THOMAS M. BLEWITT, JR.+  
MARY F. HURLEY  
DANIELLE M. NOVAK+  
KATELYN O'REILLY  
JAMES E. FIGLIOZZI-  
MATTHEW D. FIELDING\*  
MARIEL L. BELANGER\*  
NICHOLAS W. URCIUOLI  
GENEVIEVE L. HORVATH  
CHRISTINA SARTORIO\*  
THOMAS M. WESTER  
DANIEL E. BONILLA\*  
CAITLIN PETRY CASCINO\*  
THOMAS FORRESTER, JR.  
KARA M. STEGER-

JOHN A. PINDAR (1969)  
GEORGE W. CONNELL (2005)  
ADRIAN M. FOLEY, JR.  
GEORGE J. KENNY\*  
KENNETH F. KUNZMAN  
SAMUEL D. LORD (2012)  
RICHARD D. CATENACCI  
RICHARD J. BADOLATO\*  
PETER D. MANAHAN  
JOHN B. MURRAY  
MARK L. FLEDER  
KEVIN J. COAKLEY  
THOMAS S. COSMA  
KATHLEEN S. MURPHY  
PATRICK J. MCAULEY  
PETER J. PIZZI\*+  
KEVIN R. GARDNER  
ROBERT E. RYAN  
MICHAEL X. MCBRIDE\*  
JEFFREY W. MORYAN  
EDWARD S. WARDELL  
PETER J. SMITH\*  
WILLIAM P. KRAUSS  
BRIAN G. STELLER  
PHILIP F. MCGOVERN, JR.  
KAREN PAINTER RANDALL  
LIZA M. WALSH  
JOHN P. LACEY\*  
MICHAEL J. CROWLEY-  
TIMOTHY E. CORRISTON\*  
PATRICK J. HUGHES\*+  
JAMES C. MCCANN\*  
JOHN D. CROMIE

ANGELA A. IUSO\*  
WILLIAM T. MCGLOIN\*  
BRENDAN JUDGE  
STEPHEN A. URBAN  
CHARLES J. HARRINGTON III+  
STEPHEN V. FALANGA\*  
TRICIA O'REILLY\*  
ANTHONY F. VITIELLO\*+  
MARC D. HAEFNER  
JONATHAN P. MCHENRY  
BRAD D. SHALIT\*  
M. TREVOR LYONS\*  
CRAIG S. DEMARESKI\*  
W. NEVINS MCCANN\*  
THOMAS J. O'LEARY\*  
MITCHELL W. TARASCHI  
MICHAEL A. SHADIACK  
OWEN C. MCCARTHY\*  
PATRICIA A. LEE\*+  
AGNIESZKA ANTONIAN\*  
MICHAEL MICELI  
NEIL V. MODY\*  
STEVE BARNETT\*  
THOMAS M. SCUDERI\*  
JOSEPH M. MURPHY\*  
NANCY A. SKIDMORE\*  
CHRISTINE S. ORLANDO  
JENNIFER C. CRITCHLEY\*  
PATRICK S. BRANNIGAN\*  
CHRISTINE I. GANNON\*  
ANDREW C. SAYLES\*  
WILLIAM D. DEVEAU\*

\*ALSO ADMITTED IN NEW YORK

+ALSO ADMITTED IN PENNSYLVANIA

-ONLY ADMITTED IN NEW YORK

PLEASE REPLY TO ROSELAND, NJ

November 13, 2013

### VIA ECF

Honorable Joseph A. Dickson  
United States District Court  
Martin Luther King, Jr. Federal Building & U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07101

Re: *Lincoln Adventures, LLC v. Those Certain Underwriters at Lloyd's, London,*  
No. 2:08-cv-00235-CCC-JAD (Tag-Along in MDL No. 1663)

Dear Judge Dickson:

I write on behalf of the syndicate defendants in the *Lincoln Adventures* action (the "Syndicates"). The Syndicates respectfully request a three-week extension to December 9, 2013 for filing their Opposition to Plaintiffs' recently-filed Motion for Leave to Amend ("Motion"). See Dkt. 2603. The Syndicates need this additional time to adequately respond to Plaintiffs' 22-page Motion and **132-page** proposed Second Amended Class Action Complaint ("SAC"). See Dkt. 2604. Plaintiffs will not be prejudiced by such an extension. The Syndicates conferred with counsel for Plaintiffs regarding this briefing schedule, but Plaintiffs were not willing to consent to this extension.

Plaintiffs filed their Revised First Amended Complaint ("FAC") on October 29, 2012. See Dkt. 2282. The Syndicates' motion to dismiss Plaintiffs' FAC has been fully briefed since April 30, 2013 and is currently awaiting decision. See Dkts. 2500, 2502, 2503. After the fact discovery

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deadline had closed, Plaintiffs filed a letter with the Court on October 3, 2013 indicating their intention to file a motion to amend. On November 4, 2013, Plaintiffs filed their Motion and proposed SAC. *See* Dkt. 2603, 2604.

Under the schedule set by Plaintiffs, the Syndicates' Opposition is currently due on November 18, 2013. The Syndicates request an extension to December 9, 2013. If the Court grants such an extension, the Syndicates would have 35 days in total to file their Opposition, approximately the same amount of time Plaintiffs took from informing the Court of their intention to file their Motion to their actually filing the Motion (plus any additional time Plaintiffs spent on their Motion prior to their October 3rd letter to the Court). Moreover, the Syndicates would not object to a corresponding extension for Plaintiffs' Reply brief. The Syndicates' suggested a due date of December 23, 2013, but would be amenable to whatever the Court deems fair.

Plaintiffs' proposed SAC presents a new theory of the case in a 132-page pleading. Plaintiffs seek to add new plaintiffs, new defendants, and new allegations. While Plaintiffs' FAC focused on alleged "broker-centered or bilateral enterprises," there is no mention of such enterprises in the SAC. *Compare* Dkt. 2282 at ¶¶ 302-13; 332-39 *with* Dkt. 2604 *passim*. Similarly, the FAC's allegations concerning "bid-rigging" and "bid manipulation" in the London market have been reduced to a single paragraph, "on information and belief," in the SAC. *Compare* Dkt. 2282 at ¶¶ 234-52 *with* Dkt. 2604 at ¶ 243. Instead, Plaintiffs' SAC shifts focus to the Lloyd's Corporation and the alleged activities of its Franchise Performance Directorate ("FPD"), which was not even mentioned in the FAC. *Compare* Dkt. 2604 *with* Dkt. 2282 *passim*. The Syndicates' respectfully submit that they need the additional time to present to the Court the reasons why this amendment should not be permitted.

A three-week extension would not prejudice Plaintiffs. The briefing schedule that the Syndicates are proposing (with a corresponding extension for Plaintiffs' Reply brief) would allow for a motion date of January 6, 2014, one month after Plaintiffs' original motion date. Moreover, as the Syndicates expect this motion to be decided on the papers, the Court would be free to render a decision as soon as Plaintiffs submit their reply brief. Plaintiffs cannot reasonably argue that a delay of up to one month would prejudice them given that (1) they filed their Motion over a year after their FAC despite the fact that much of the proposed SAC is based on publicly available sources; and (2) they waited over a month to file their Motion after telling the Court they planned to file it.

The Syndicates conferred with Plaintiffs before filing this letter. Plaintiffs were only amenable to a two-week extension for the Syndicates' Opposition in exchange for (1) a corresponding extension for Plaintiffs' Opposition to a forthcoming motion to dismiss the SAC (should the Court allow Plaintiffs' Motion to Amend); and (2) an agreement to move up the Syndicates' Opposition due date if this Court scheduled a status conference or other hearing prior to the deadline. The Syndicates agreed to the first condition but could not agree to the second condition as they have no way of knowing when such a status conference might occur or how far in advance it might be scheduled. Given the approaching deadline for their Opposition, the Syndicates felt compelled to file this letter seeking the Court's assistance.

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Should Your Honor wish to speak to the parties we will, of course, make ourselves available at Your Honor's convenience.

Very truly yours,

s/

Liza M. Walsh

cc: Hon. Judge Cecchi (via Lawyer's Service)  
All Counsel of Record, by CM/ECF